Assistant Commissioner for Patents Washington, D.C. 20231

9-12-01

TOWNSEND and TOWNSEND and CREW LLP

Brevera Van Derhoef

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Nabkel et al.

Application No.: 09/785,863

Filed: February 16, 2001

For: METHOD AND SYSTEM FOR PROVIDING PRESELECTED INFORMATION SERVICES UPON DETECTION OF AN OFF-HOOK CONDITION

Examiner:

Unassigned

Art Unit:

2642

DECLARATION OF CHAD S. HILYARD IN SUPPORT OF PETITION UNDER 37

C.F.R. §1.47(a)

RECEIVED

SEP 2 1 2001

Assistant Commissioner for Patents Washington, D.C. 20231

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

I, Chad S. Hilyard, am an attorney at Townsend and Townsend and Crew LLP, representing Qwest Communications International Inc. ("Qwest") in the above-referenced patent application. I have made diligent efforts to contact Mr. Edward A. Youngs, an inventor for the above-referenced case and previously an employee of Qwest.

On February 16, 2001, the above-referenced patent application was filed by Qwest with missing parts. On April 11, 2001, a Notice to File Missing Parts from the U.S. Patent Office was mailed to Qwest.

On May 16, 2001, I prepared the declaration and assignment documents for the above-referenced patent application and forwarded them to all the inventors (including Edward A. Youngs), along with the patent application as filed and a cover letter instructing them to review the application and execute the documents. A copy of the cover letter and Federal Express

Nabkel et al. Application No.: 09/785,863

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label receipt are attached hereto as **Exhibit A**. Such cover letter shows Mr. Youngs' last known address, which is 4791 Franklin Drive, Boulder, Colorado 80301.

On July 23, 2001, a paralegal, Theresa L. VanDerhoof, of Townsend and Townsend and Crew attempted to contact Mr. Youngs. Conducting a search on the Internet in an attempt to locate updated contact information, Ms. VanDerhoof was able to locate a telephone number for Mr. Youngs at his last known address. A copy of the printout from the Internet search is attached hereto as **Exhibit B**. Unfortunately, the telephone number located had been disconnected with no new telephone number given. A memo regarding her attempt to reach Mr. Youngs is attached as **Exhibit C**.

As a result of being unable to locate Mr. Youngs at his last known address and to obtain a forwarding address, Mr. Youngs has not signed the declaration and assignment documents.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent resulting therefrom, declare that I am authorized to execute this instrument on behalf of applicants; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

Date: $\frac{9/12/200/}{}$

Chad S. Hilvard

TOWNSEND and TOWNSEND and CREW LLP

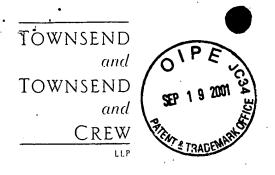
Two Embarcadero Center, 8th Floor San Francisco, California 94111-3834

Tel: 303-571-4000 Fax: 303-571-4321

DE 7049754 v1



EXHIBIT A



Palo Alto, Calfornia Tel 650 326-2400

San Francisco, California Tel 415 576-0200

Seattle, Washington Tel 206 467-9600

Walnut Creek, California Tel 925 472-5000

Karen Siegel-Jacobs

Boulder, CO 80303

Edward A. Youngs

4791 Franklin Drive

Boulder, CO 80301

Westminister, CO 80021

Mark S. Maize 9808 Otis Drive

4735 Harrison Avenue

Denver

1200 Seventeenth Street Suite 2700 Denver Colorado 80202-5827 Tel 303 571-4000 Fax 303 571-4321

Direct: 303-405-8528 cshilyard@townsend.com

May 16, 2001

VIA FEDERAL EXPRESS

Jafar Nabkel 1630 30th Street, #603 Boulder, CO 80301

Harvey J. Benson 1065 West Mulberry Lane Highlands Ranch, CO 80126

Donald E. Gillespie 3807 Silver Plume Circle Boulder, CO 80303

Mark W. Hardison 20481 East Mansfield Place Aurora, CO 80013

Re: U.S. Patent Application

Appl. No. 09/785,863 Filed: February 16, 2001

For: METHOD AND SYSTEM FOR PROVIDING PRESELECTED INFORMATION SERVICES UPON DETECTION OF AN OFF-HOOK

CONDITION

Our Ref. No. 020366-066900US

Dear Sirs and Madame:

Enclosed are the following <u>corrected</u> documents adding all inventors' names for your review and execution in the above-identified patent application:

- 1) Declaration;
- 2) Copy of patent application as filed; and
- 3) Assignment

Please review the patent application, as filed, and if it meets with your approval, please execute the Declaration. If you have any minor changes, please mark them on the appropriate pages and initial your change. Also, please execute the Assignment transferring rights to Qwest Communications International, Inc. I ask that you fill in the Date(s) of Execution of Declaration

TOWNSEND
and
TOWNSEND
and
CREW

on the first page. Please return these documents to me as soon as possible in order to avoid a request for extension of time and additional Government late filing fee.

If you have any questions or comments, please call me.

Very truly yours

Chad S. Hilyard

CSH/nlm Enclosures

DE 7040130 v1

From: NINA MCNEILL (303)571 –4000 TOWNSEND AND TOWNSEND AND CREW LLP 1200 SEVENTEENTH STREET

SUITE 2700

DENVER, CO, 80202

To: Edward A. Youngs (303)571-4000





SHIP DATE: 16MAY01 WEIGHT: 1 LBS

4791 Franklin Drive

Boulder, CO, 80301

Ref: 020366-066900US



K # 7915 6094 2368

ERNIGHT

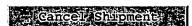
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EXHIBIT B















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EXHIBIT C

Memorandum

To:

File

From:

Theresa L. VanDerhoof

Date:

August 1, 2001

Re:

Contacting Edward Youngs

Client-Matter No:

20366-066900US

On July 23, 2001, I attempted to get updated information for inventor Edward Youngs. I used the Qwest Dex website (www.qwestdex.com) to locate an address and telephone number for Edward Youngs. Unfortunately, the address listed on the website is no longer Mr. Youngs address. There is no current address information available for him. The website did list a telephone number in which I tried to call and received a message indicating the number had been disconnected with no new number listed.

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